

13:56:40 1 right?

13:56:40 2 A. Right.

13:56:40 3 Q. Had the new equipment been ordered?

13:56:42 4 A. No.

13:56:42 5 Q. Had the equipment been budgeted for?

13:56:44 6 A. I do not know.

13:56:46 7 Q. Okay. So you certainly had no idea when the

13:56:49 8 new equipment would be coming in?

13:56:50 9 A. No.

13:56:51 10 Q. But the fiber was needed so that you could cut

13:56:53 11 over to this equipment whenever it did come in?

13:56:56 12 A. Right, but if we had work -- but we would do

13:56:59 13 work prints way in advance of the equipment. Apollo --

13:57:05 14 Apollo fibers -- I mean, were done and jobs were done

13:57:09 15 way in advance of equipment being placed. So the -- the

13:57:14 16 faster we got our work prints out, you know, to get this

13:57:19 17 process rolling... We have to have fiber designations in

13:57:25 18 order to get the work prints out; ordering equipment;

13:57:28 19 all of that would be done together in a process.

13:57:32 20 Q. Who ordered you to get work prints out?

13:57:37 21 A. Nobody did.

13:57:37 22 Q. But certainly you felt like it was an

13:57:40 23 emergency at the time to get the work print out?

13:57:43 24 A. No. I discussed it with my boss and we felt

13:57:48 25 that it was coming down the pike. And when things

13:57:51 1 happen like when the planners tell us that, okay, here,  
57:54 2 we have got -- we have got a -- you know, we need to get  
13:57:58 3 this -- jobs out for PRONTO, or whatever we are doing,  
13:58:03 4 we do it immediately.

13:58:05 5 Q. Right.

13:58:07 6 A. It's not something that's like planned in  
13:58:09 7 advance. When it comes, it comes. It goes -- it will  
13:58:13 8 happen quickly and it could easily happen within the  
13:58:16 9 year, and the urgent nature of this situation deemed it  
13:58:22 10 warranted that we have our fiber cables, you know, to be  
13:58:26 11 able to do our work prints to get the job out when, in  
13:58:29 12 fact, they came and told us to do it.

13:58:31 13 Q. Well, if this was service affecting, why  
13:58:35 14 couldn't you just order the equipment yourself?

13:58:37 15 A. We don't know what the equipment is at this  
13:58:39 16 point to order this --

13:58:41 17 Q. Someone else would make that decision?

13:58:42 18 A. Yes. We don't get involved in that.

13:58:45 19 Q. And the decision has not been made yet today  
13:58:48 20 which technology to switch over to?

13:58:50 21 A. No.

13:58:57 22 Q. Is that correct?

13:58:57 23 A. That's correct.

13:59:02 24 Q. Okay.

13:59:02 25 A. At that point in time we thought the BPON

13:59:05 1 project was ready to go, going to be deployed; that was  
-59:09 2 the information we had and that's what we were running  
13:59:12 3 with and that's what formed my decision at the time,  
13:59:15 4 that it was coming out within like, you know, a matter  
13:59:17 5 of weeks.

13:59:20 6 Because I didn't get involved in that. I  
13:59:21 7 didn't hear the latest updates. That was the  
13:59:24 8 information that I had, that it was going to be deployed  
13:59:28 9 and it was going to be soon -- and that -- that's what I  
13:59:35 10 based my decision on, and I explained that to Sharon at  
13:59:43 11 the time.

13:59:44 12 Q. Now -- and do you recall when that happened?

13:59:46 13 A. I'm sorry?

13:59:47 14 Q. Do you recall when that happened?

13:59:48 15 A. No, I didn't keep track of the dates.

13:59:50 16 Q. That was last year sometime, right?

13:59:52 17 A. Yes.

13:59:54 18 Q. And to this point, which is in April of

13:59:58 19 2002 --

13:59:59 20 A. Uh-huh.

13:59:59 21 Q. -- they still haven't decided on the  
14:00:02 22 technology to move to, have they?

14:00:04 23 A. No. I discovered --

14:00:06 24 Q. And they haven't budgeted for the equipment  
.00:08 25 yet, have they?

14:00:09 1 A. No.

14:00:10 2 Q. And has anybody lost service?

14:00:13 3 A. Yes.

14:00:13 4 Q. Who?

14:00:15 5 A. I don't know.

14:00:16 6 Q. A residential customer lost service because of

14:00:19 7 the Apollo equipment going down?

14:00:21 8 A. Yes.

14:00:21 9 Q. Did you get them back up and running?

14:00:23 10 A. Yes, with the few spare parts that we still

14:00:26 11 have available, but they're depleted. We cannot order

14:00:30 12 equipment. We can't get any more of this equipment. We

14:00:33 13 have some spare parts. We have pieces and parts. We

14:00:36 14 have parts -- some parts like maybe bases, you know, for

14:00:40 15 the ONUs, but we don't have plugs.

14:00:43 16 Q. I understand about the equipment, though, but

14:00:45 17 I'm more focused on the fiber right now.

14:00:48 18 A. Okay.

14:00:48 19 Q. How many fibers do you typically use per route

14:00:53 20 on project Apollo?

14:00:54 21 A. I have no idea.

14:00:55 22 Q. Is it a lot -- is it two or --

14:00:58 23 A. It's a lot of fibers.

14:01:00 24 MR. HARTLEY: Object to form.

01:01 25 Q. There's not a rule of thumb, like a SONET ring

14:01:04 1 takes four or something like that?

14:01:05 2 A. Well, it's based on the number of homes.

14:01:09 3 Q. Okay.

14:01:12 4 A. You know, we do it by subdivisions.

14:01:15 5 Q. Right.

14:02:02 6 (Discussion held between the witness and

14:02:09 7 Mr. Hartley.)

14:02:16 8 Q. Because of the Apollo situation and possible

14:02:20 9 need of a future cutover, have you reserved a certain

14:02:26 10 number of fibers to route for a project Apollo cutover?

14:02:31 11 A. No.

14:02:32 12 Q. There's not a fixed number in your mind?

14:02:37 13 A. No.

14:02:38 14 Q. How do you know how many to reserve when you

14:02:41 15 did in the El Paso situation?

14:02:43 16 A. It depends on the subdivision.

14:02:45 17 Q. And how so?

14:02:47 18 A. Each subdivision is different as far as size

14:02:50 19 and number of homes. It takes a different amount for

14:02:54 20 each subdivision.

14:02:55 21 Q. Now, how long would it take you to pull some

14:03:00 22 additional fiber through those conduits along those

14:03:03 23 routes?

14:03:03 24 A. What conduit? There isn't any, only coming

14:03:07 25 from the central office to where it hits the

14:03:10 1 subdivision.

03:10 2 Q. Uh-huh.

14:03:10 3 A. It's all direct buried.

14:03:14 4 Q. Okay. And how long would it take you to add a

14:03:17 5 cable along that -- a given route, for instance?

14:03:20 6 A. It depends on the route and the subdivision

14:03:22 7 and circumstance. Since it's all direct buried, you

14:03:26 8 would have to trench, lay conduits, splice.

14:03:29 9 Q. Right.

14:03:29 10 A. It varies from job to job.

14:03:36 11 Q. The longest one, what would you imagine that

14:03:39 12 would take?

14:03:39 13 A. It would depend on a number of circumstances.

14:03:43 14 Like I said before, the area, how much concrete is

14:03:46 15 involved, whether it's rock or dirt.

14:03:49 16 Q. Right.

14:03:49 17 A. Whether you have -- number of bores. You have

14:03:52 18 to take each individual case.

14:03:54 19 Q. I mean, I don't -- just no feel at all, two

14:03:58 20 week, three months, a year?

14:03:59 21 A. It could take months.

14:04:00 22 Q. Okay. Are you still reserving some fibers for

14:04:07 23 the project Apollo cutover now?

14:04:10 24 A. Not since we don't have a job number.

04:19 25 Q. Is that based on what you found out when you

14:04:22 1 investigated the El Paso situation?

04:23 2 A. Yes. They asked me if I had a job number and  
14:04:27 3 since I didn't have a job number, we felt it only  
14:04:32 4 prudent to splice the fibers for El Paso.

14:04:38 5 Q. Right. And do you understand why that is the  
14:04:40 6 case?

14:04:42 7 MR. HARTLEY: Object to form.

14:04:43 8 A. Not -- no.

14:04:44 9 Q. You understand why it's important to have a  
14:04:46 10 job number?

14:04:47 11 A. No.

14:04:50 12 Q. Just someone told you that?

14:04:51 13 A. No. I just -- because in that particular  
14:04:58 14 situation was different, because we thought -- we issued  
14:05:03 15 job numbers that -- you know, get the job numbers at the  
14:05:07 16 end. We could have work prints drawn up and not have a  
14:05:11 17 job number. If something was going to roll out, which  
14:05:16 18 we felt at that time very soon with -- you know, within  
14:05:20 19 a year's period of time that we would be doing jobs,  
14:05:24 20 then I would think that we would be able to work on --  
14:05:29 21 be able to have those fibers to do that job when it came  
14:05:32 22 out.

14:05:33 23 Q. Right. But having the job --

14:05:34 24 A. If we didn't have the fibers.

.05:36 25 Q. -- is that something that Ricky Allen told you

1 that you --

05:41 2 A. I don't recall who asked me about the job

14:05:43 3 number, but since we didn't have a job number and I

14:05:46 4 understood I was required to have one, then, of course,

14:05:49 5 you know, there's no problem with turning the fibers

14:05:53 6 over to -- splicing the fibers for El Paso fiber.

14:06:01 7 Q. So in the 900 Dorothy example, if we can go

14:06:06 8 back to where we were with that one, when Sharon Helms

14:06:10 9 showed up and said -- they looked at the records, the

14:06:15 10 PLRs and the DWOs --

14:06:16 11 A. They looked at the NPLR and they looked at the

14:06:20 12 EWO that I had in progress at 900 North Dorothy.

14:06:25 13 Q. And from which record were they able to

14:06:27 14 determine that there were fibers there along that route?

14:06:30 15 A. Both. They looked at Apollo records and they

14:06:35 16 looked at the undergrounds and they also looked at my

14:06:39 17 DWO.

14:06:40 18 Q. And from which record were they able to

14:06:43 19 determine that fibers had been spliced through?

14:06:46 20 A. Fibers had not been spliced. Are you talking

14:06:49 21 about the primary route or the route other than normal?

14:06:53 22 Q. Let's say primary route.

14:06:55 23 A. The primary route, no fibers had been spliced

14:07:00 24 through at that point. The fibers that were spliced

07:03 25 to 900 North Dorothy were for a sold case for another



14:07:07 1 customer.

07:09 2 Q. Okay.

14:07:09 3 A. And there were four fibers that we had spliced  
14:07:12 4 through.

14:07:12 5 Q. And the fibers that you had reserved for  
14:07:16 6 project Apollo, were those in the primary or the other  
14:07:19 7 route?

14:07:19 8 A. Primary.

14:07:20 9 Q. So those were the fibers that you ended up  
14:07:23 10 releasing to El Paso, right?

14:07:24 11 A. Right.

14:07:25 12 Q. And that's because you had talked to someone  
14:07:27 13 in regulatory affairs?

14:07:29 14 A. I didn't talk to anybody in regulatory  
14:07:31 15 affairs.

14:07:31 16 Q. Or account manage --

14:07:34 17 A. I heard information -- oh, you mean about the  
14:07:38 18 project number?

14:07:38 19 Q. Right.

14:07:40 20 A. Okay. The project number. When they asked me  
14:07:43 21 if I had a specific project number, then I said, no, we  
14:07:46 22 didn't. Then I went to my boss, we discussed it and  
14:07:49 23 felt that it was prudent that we splice the fibers for  
14:07:55 24 El Paso fiber, since we didn't have a job number.

07:57 25 Q. I've seen some indication that you had talked

14:08:01 1 to or someone in your group had talked to Ricky Allen,  
08:05 2 the EPN account manager, about that exact issue.

14:08:08 3 A. I'm sure. We may have gotten him on the  
14:08:11 4 telephone or something. I don't remember.

14:08:13 5 Q. Somebody confirmed, yeah, that's the case. If  
14:08:15 6 you don't have the -- what kind of number did you call  
7 it?

14:08:19 8 A. A DWO number or EWO, the engineering work  
14:08:22 9 order.

14:08:23 10 Q. If you didn't have a work order number, then  
14:08:25 11 you couldn't reserve the fibers?

14:08:26 12 A. Right.

14:08:26 13 Q. And that's what you were told at the end?

14:08:28 14 A. Yes.

14:08:29 15 Q. And at that point you allowed EPN to have the  
14:08:32 16 fibers?

14:08:33 17 A. Exactly.

14:08:34 18 Q. Okay.

14:08:38 19 A. In any other case, just because this was so  
14:08:43 20 unique, there wouldn't have been an issue at all. It  
14:08:47 21 was just because of the Apollo situation, this need for  
14:08:52 22 this conversion. It wouldn't have been an issue.

14:08:55 23 Q. Right. Have you reserved any fiber for BPON  
14:09:06 24 yet?

.09:07 25 A. We don't have an engineering work order, so we

14:09:10 1 don't -- we haven't reserved any officially.

09:13 2 Q. Okay. But I mean, just on the side, do you  
14:09:17 3 segregate so that you know what's your BPON fiber and  
14:09:20 4 what isn't?

14:09:21 5 A. It's the Apollo fiber right now. That's what  
14:09:25 6 we call it, the Apollo fiber.

14:09:27 7 Q. Okay.

14:09:28 8 A. Our Apollo fiber is out there and that's what  
14:09:31 9 was going to be converted to BPON or some other product,  
10 whatever --

14:09:35 11 Q. You haven't decided on the technology yet?

14:09:38 12 A. Right, we haven't decided.

14:09:40 13 Q. I'm talking about the statewide BPON project,  
14:09:44 14 separate from the Apollo project. Have you heard  
14:09:47 15 anything about that?

14:09:48 16 A. I don't know anything about it. I just get  
14:09:49 17 bits and pieces of it, you know, coming -- first it was  
14:09:51 18 like, yeah, everything is on, we are going to convert  
14:09:53 19 over, and then now it's -- there seems to be some  
14:09:57 20 technical problems, so I don't know.

14:09:59 21 Q. Right. What about PRONTO? Do you segregate  
14:10:04 22 your PRONTO fiber at all or keep it under a quasi  
14:10:10 23 reservation basis?

14:10:11 24 MR. HARTLEY: Object, form.

10:12 25 THE WITNESS: I'm sorry?

14:10:13 1 MR. HARTLEY: You can answer if you know.

10:17 2 A. We don't segregate it. I mean, it doesn't --

14:10:21 3 it's not segregated in any way.

14:10:24 4 Q. I mean, if you have facility check requests

14:10:29 5 and it involves fiber that -- you're looking at the

14:10:32 6 fiber and the only available fiber is PRONTO fiber, do

14:10:35 7 you say yes facilities are available, or do you say no

14:10:40 8 facilities are not available, because it's PRONTO fiber?

14:10:43 9 A. If it's not being used, it is fiber.

14:10:45 10 Q. It's available fiber?

14:10:46 11 A. It's available fiber, right.

14:10:48 12 Q. And that's true whether you get the request

14:10:51 13 from retail sales or a CLEC, right?

14:10:53 14 A. Right. It makes no difference. A customer is

14:10:56 15 a customer.

14:11:02 16 Q. In your PLRs or DWOs, do you earmark fiber in

14:11:07 17 any way or make a notation of which fiber is Apollo or

14:11:11 18 BPON or PRONTO fiber?

14:11:13 19 A. Well, you can tell which is -- well, you know

14:11:14 20 which is which. The Apollo fiber is really strictly

14:11:19 21 used for residential services. We don't take the Apollo

14:11:24 22 fiber -- within Southwestern Bell, you know, what we use

14:11:29 23 it for, we use it for residential.

14:11:34 24 Q. Right.

11:34 25 A. Primarily.

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14:11:35 1 Q. Based on the route it runs?

14:11:38 2 A. That, and the fact that it's direct buried.

14:11:44 3 Q. Now, why is direct buried different from other

14:11:47 4 fiber?

14:11:48 5 A. More vulnerable.

14:11:50 6 Q. Because it's not in a conduit?

14:11:52 7 A. Not in a conduit. And it -- it goes to

14:11:58 8 equipment boxes that are in the alley.

14:12:01 9 Q. As opposed to a manhole?

14:12:03 10 A. Yes.

14:12:04 11 Q. A manhole is safer?

14:12:06 12 A. Safer, of course.

14:12:14 13 Q. I assume you hear the term secondary office --

14:12:18 14 secondary wire center. Are you familiar with that term?

14:12:21 15 A. Yes.

14:12:21 16 Q. What does that term mean to you?

14:12:22 17 A. To me it means a route other than normal. To

14:12:25 18 other people it means different things. Just --

14:12:30 19 Q. What does it mean to other people?

14:12:33 20 MR. HARTLEY: Objection, form.

14:12:36 21 THE WITNESS: I'm sorry?

14:12:37 22 MR. HARTLEY: You can answer.

14:12:41 23 MR. CRAWFORD: It's one of those legal

14:12:43 24 things. Don't worry about it.

14:12:45 25 THE WITNESS: I'm like what?

14:12:46 1 MR. CRAWFORD: It's like he keeps  
12:48 2 interrupting me. What's going on?

14:12:50 3 THE WITNESS: I know.

14:12:50 4 No. It -- I've -- to other people it may  
14:12:56 5 mean going to another route, another wire center other  
14:13:01 6 than what we deem as our -- our route other than normal.

14:13:08 7 Q. Is Richardson CO a secondary wire center?

14:13:13 8 A. Not to me, no. It's not the way we perceive  
14:13:20 9 it. It's my primary wire center for Richardson. It's  
14:13:24 10 the --

14:13:24 11 Q. There's no way to answer that question, is  
14:13:27 12 there? I mean --

14:13:28 13 A. It's a matter of interpretation.

14:13:30 14 Q. It's a primary -- Richardson is a primary wire  
14:13:34 15 center for anyone you say it's a primary wire center to?

14:13:37 16 A. That's where all of our facilities come from  
14:13:39 17 and we service the whole wire center from that main  
14:13:44 18 central office, so it is our official, you know, primary  
14:13:50 19 wire center for all, you know, for most direct services.

14:13:55 20 Q. What is Richardson's secondary wire center?

14:13:59 21 A. To us, Diamond.

14:14:01 22 Q. Isn't that the official SWBT answer, that the  
14:14:06 23 official secondary wire center is Diamond?

14:14:09 24 A. Yes. It's a route other than normal. It's  
14:11 25 our diverse route. It's called secondary. It's called

14:14:17 1 diverse route.

14:14:17 2 Q. But if you live right by Diamond, then Diamond  
14:14:21 3 is your primary wire center?

14:14:23 4 A. If you live in Diamond, you're served from the  
14:14:24 5 Diamond wire center, that would be the primary, that's  
6 correct.

14:14:30 7 Q. And maybe Richardson would be your secondary?

14:14:33 8 A. I don't know what Diamond's secondary is.

14:14:36 9 Q. If you lived right smack in between Diamond  
14:14:40 10 and Richardson, isn't it most likely that Richardson  
14:14:43 11 would be your secondary CO?

14:14:45 12 A. Not necessarily.

14:14:45 13 Q. Would they take you to a CO that's farther  
14:14:48 14 away from the Diamond CO?

14:14:50 15 A. Perhaps.

14:14:50 16 Q. Why would they do that?

14:14:52 17 A. I don't know. I'm not involved in that.

14:14:53 18 Q. So sometimes a person's secondary wire center  
14:14:57 19 will be farther away -- sometimes a person's secondary  
14:15:00 20 wire center will not be the person's second closest wire  
14:15:05 21 center; is that correct?

14:15:06 22 A. I don't know. I never get involved in that  
14:15:09 23 planning of secondary wire centers. There are wire  
14:15:13 24 centers that are established and I don't know how they  
15:16 25 got that way or what the logic is in planning it that

14:15:20 1 way. That's not my level of expertise.

15:23 2 Q. Isn't primary and secondary a designation from

14:15:26 3 the voice days when you had your primary CO, which is

14:15:29 4 where your voice phone service came from?

14:15:32 5 A. I don't know.

14:15:33 6 Q. You don't know that.

14:15:39 7 Does every office have a designated

14:15:41 8 secondary wire center?

14:15:43 9 A. I don't know. I imagine they do, but I don't

14:15:46 10 know.

14:15:57 11 Q. You mentioned the term route other than

14:16:00 12 normal. What does that mean?

14:16:01 13 A. Secondary route, like our Diamond wire center

14:16:05 14 would be our route other than normal, our diverse route,

14:16:09 15 our secondary.

14:16:11 16 Q. Okay. If I'm a business customer in a

14:16:13 17 building like right here, do I have a primary route and

14:16:18 18 a secondary route for my phone service?

14:16:22 19 A. For -- it depends -- people put in cases for

14:16:26 20 secondary routes. You know, would ask for diverse

14:16:29 21 routes so they could have a SONET ring.

14:16:32 22 Q. Right.

14:16:33 23 A. That's when the secondary would come in, but

14:16:35 24 not on your regular phone service. You would have your

16:38 25 primary central office that would service you.



14:16:40 1 Q. But if I'm a business customer and I want  
16:44 2 fiber service, SONET service --

14:16:45 3 A. Okay.

14:16:46 4 Q. -- do I have a primary wire center and a  
14:16:50 5 secondary wire center as defined by SWBT?

14:16:53 6 A. Yes.

14:16:54 7 Q. And what is the criteria for my primary versus  
14:16:58 8 my secondary?

14:16:59 9 A. The primary would be the main wire center that  
14:17:02 10 provides you your local phone service right now and your  
14:17:06 11 secondary would be whatever the designated wire center  
14:17:10 12 is for the secondary.

14:17:12 13 Q. Now, if I ran my fiber to my secondary wire  
14:17:16 14 center, technologically it would work just as well,  
14:17:19 15 right?

14:17:20 16 A. Technologically, yes.

14:17:23 17 Q. SWBT likes to run it to the primary because  
14:17:29 18 that's their administrative district for the customers?

14:17:32 19 A. I don't know how that works, how they perceive  
14:17:34 20 that. It is the -- that makes sense, but I don't know  
14:17:40 21 that.

14:17:43 22 Q. Sitting here today, you don't know any rhyme  
14:17:46 23 or reason why some are primary and some are secondary  
14:17:50 24 wire centers?

17:51 25 A. You have to have a primary base for all of

14:17:54 1 your facilities to come out of and it makes only sense  
14:17:58 2 that that would be your primary, because that's where  
14:18:00 3 all your facilities stem from. You have to have some  
14:18:05 4 logic and order in order to have a system, and that's  
14:18:07 5 the way it's been set up, and I don't know -- I don't  
14:18:10 6 get into that portion of it where, you know, we  
14:18:13 7 decide --

14:18:14 8 Q. Customers request routes to non-primary wire  
14:18:18 9 centers all the time, right?

14:18:20 10 A. Yes.

14:18:21 11 MR. HARTLEY: Object, form.

14:18:22 12 A. I mean -- I'm sorry.

14:18:25 13 They do -- my only involvement comes in  
14:18:28 14 when I get an approved sold case and it comes to me and  
14:18:34 15 we build what's on that case. Getting into --

14:18:38 16 Q. And sometimes customers request fiber service  
14:18:43 17 to a wire center other than their primary?

14:18:46 18 A. Right, and that goes through our planner,  
14:18:49 19 and -- it goes through NSS, it goes through our planner.  
14:18:54 20 Our planner looks at those feasibilities, whether we  
14:18:59 21 have conduit or how we can route back to wherever that  
14:19:04 22 location would be, and it goes in for funding to see if  
14:19:08 23 it gets approved, and I only see it once funding is  
14:19:12 24 approved. I don't get into the -- that area. That all  
14:19:21 25 is in our planning department. I only see it once it's

14:19:27 1 funded and we build it.

14:19:31 2 Q. What does the term loop mean to you?

14:19:34 3 A. Loop means going from the primary wire center  
14:19:40 4 back to a route other than normal and then back to the  
14:19:48 5 primary or to various other locations and then comes  
14:19:51 6 back.

14:19:51 7 Q. I'm confused. Isn't a loop to a wire center  
14:19:58 8 to a customer prem?

14:20:01 9 A. Wire center to the customer prem can be --  
14:20:05 10 it's called a collapsed ring. It collapses on itself  
14:20:08 11 and goes back to the same wire center.

14:20:10 12 Q. You're talking about a SONET ring?

14:20:11 13 A. Right.

14:20:12 14 Q. You have a collapsed ring?

15 A. Right.

14:20:13 16 Q. Is it a single node?

14:20:14 17 A. Sure.

14:20:15 18 Q. Or if you have multiple COs, then you've got a  
14:20:19 19 SONET ring with diversity?

14:20:21 20 A. Correct.

14:20:21 21 Q. At the CO level?

14:20:22 22 A. Correct.

14:20:25 23 Q. But a collapsed ring loop can go to -- is a  
14:20:29 24 collapsed ring loop, regardless of the wire center it  
14:20:33 25 goes to, correct?

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14:20:34 1 A. Right.

14:20:34 2 Q. You still call it a loop?

14:20:36 3 A. You can, yes.

14:20:37 4 Q. A loop is -- when we are talking about a

14:20:40 5 collapsed ring, because it only involves a single CO,

14:20:44 6 but a loop involves a wire center and a customer prem

14:20:48 7 and it meets that definition regardless of whether it's

14:20:51 8 a primary, secondary wire center. Is that fair to say?

14:20:55 9 A. That's fair to say.

14:20:57 10 Q. Okay. Have you ever received compensation for

14:21:04 11 sales referrals?

14:21:06 12 A. Yes. We don't anymore.

14:21:15 13 Q. When did you last receive compensation for

14:21:18 14 sales referrals?

14:21:23 15 A. I don't know. I think it -- around February,

14:21:26 16 March, I don't know.

14:21:27 17 Q. Of this year?

14:21:28 18 A. Of this year. It had to do with the sale that

14:21:31 19 was last year's sales.

14:21:36 20 Q. And how do you get -- why do you get

14:21:40 21 compensated for a sales referral? How does that work?

14:21:42 22 A. If you make like a DS -- if you partner with

14:21:46 23 marketing or you get -- go to a customer and they tell

14:21:49 24 you that they're interested in certain services, you

14:21:53 25 refer that to marketing and the marketing department

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14:21:58 1 contacts the customer and if it's a service that is  
22:02 2 sold, then you get a -- you get a percentage of what the  
14:22:09 3 sale for that contracted amount is.

14:22:13 4 Q. Okay. And you got one as recently as a couple  
14:22:17 5 of months ago?

14:22:18 6 A. Right, on a sale that was last year. They've  
14:22:22 7 since done away with that.

14:22:23 8 Q. What did they do away with?

14:22:26 9 A. Just DS3 and DS1 sales.

14:22:31 10 Q. But the other circuits will still be  
14:22:33 11 compensated for if you're involved in the sales referral  
14:22:36 12 program?

14:22:36 13 A. Correct.

14:22:43 14 Q. Do you go on customer calls with retail sales,  
14:22:47 15 special access sales people at times?

14:22:49 16 A. Yes.

14:22:51 17 Q. And who invites you?

14:22:53 18 A. Marketing.

14:22:54 19 Q. And why do they invite you?

14:22:57 20 A. To explain to the customer exactly what we do.  
14:23:01 21 You know, what part we play. You know, about placing  
14:23:07 22 cable and putting equipment into the telephone equipment  
14:23:10 23 rooms and that I would be the contact and so they have a  
14:23:15 24 face with a name.

14:23:17 25 Q. Do you think that helps?

14:23:18 1 A. Yes.

23:27 2 Q. Have you had access to information where a

14:23:32 3 CLEC has done a facility check for a certain address?

14:23:36 4 A. I don't know what you mean.

14:23:38 5 Q. Have you gathered information to respond to a

14:23:42 6 facility check request made by a CLEC?

14:23:46 7 A. If the CLEC asks for information, yeah, we

14:23:52 8 give them -- like on a facility check, we will respond

14:23:55 9 to the facility check. We gather information by looking

14:23:58 10 at our records and pulling up information and respond to

14:24:01 11 the facility check.

14:24:01 12 Q. And you know which facility checks come from

14:24:05 13 CLECs, don't you?

14:24:06 14 A. Yes.

14:24:07 15 Q. And how do you know that?

14:24:09 16 A. By the -- either the name of the company or

14:24:12 17 the type of circuit it may be requesting, you know, but

14:24:16 18 to me, you don't know all the time, but a customer is a

14:24:20 19 customer.

14:24:20 20 Q. Right.

14:24:21 21 A. They're all the same to us.

14:24:23 22 Q. But if something comes from the LSC and

14:24:26 23 someone else mentioned if it has a W next to it, then

14:24:30 24 you know it's a CLEC for the most part?

14:24:32 25 A. Right.

14:24:33 1 Q. Okay. Have you ever mentioned to a SWBT  
14:24:43 2 salesperson that a CLEC was looking at facilities at a  
14:24:48 3 certain address?

14:24:49 4 A. That would be none of that person's business.

14:24:53 5 Q. I would agree with you.

14:24:55 6 A. I don't -- no.

14:24:56 7 Q. But have you ever mentioned that to anyone?

14:25:00 8 A. No.

14:25:00 9 Q. Have you ever heard of any OSP people or IFCPC  
14:25:05 10 people or NSS people mentioning to a salesperson that a  
14:25:08 11 CLEC was looking at a certain facility or certain  
14:25:11 12 address?

14:25:11 13 A. I can only speak for myself. I don't know of  
14:25:13 14 any, but I haven't -- I don't --

14:25:16 15 Q. Have you ever heard of someone else doing it?

14:25:18 16 A. Not that I recall.

14:25:22 17 Q. Nothing comes to mind?

14:25:24 18 A. No.

14:25:30 19 Q. Certainly if an OSP person like yourself  
14:25:33 20 wanted to pick up the phone and say, hey, did you know  
14:25:37 21 the CLECs are trying to see if facilities are available  
14:25:41 22 at one of your major accounts, there's really nothing  
14:25:44 23 that would keep you from doing that, right?

14:25:47 24 A. Could you repeat the question?

14:25:50 25 Q. If an OSP person or an IFCPC person wanted to

14:25:55 1 let the marketing people know where the CLECs were  
14:26:00 2 looking to get facilities for a circuit, that's possible  
14:26:06 3 they could do that, isn't it?  
14:26:07 4 A. A regular -- so like on a facilities check  
14:26:11 5 they were -- they would call and were looking for a  
14:26:14 6 specific location for facilities?  
14:26:16 7 Q. Right. If you get a facility check response  
14:26:19 8 that says, hey, a CLEC was looking for a DS3 drop at  
14:26:24 9 Nortel?  
14:26:24 10 A. Okay. That's not a problem.  
14:26:29 11 Q. Is there anything that keeps you or another  
14:26:32 12 OSP person from picking up the phone and calling  
14:26:35 13 marketing -- the marketing manager from Nortel and say,  
14:26:38 14 hey, you guys better get out to Nortel. The CLECs are  
14:26:44 15 trying to serve your clients?  
14:26:47 16 A. Oh, no, we wouldn't do that. I don't know of  
14:26:48 17 an instance that that would happen. It's just not --  
14:26:52 18 Q. Is there anything --  
14:26:53 19 A. It doesn't even occur to us to do it.  
14:26:56 20 Q. Right. Is there anything that prevents that  
14:26:59 21 from happening?  
14:26:59 22 A. No.  
14:27:02 23 Q. And I, assume based on your eight years in  
14:27:05 24 Richardson Wire Center, that you know the major  
14:27:08 25 customers at the major addresses in Richardson?



14:27:11 1 A. Yes.

14:27:11 2 Q. The telecom corridor is part of your wire  
14:27:16 3 center, correct?

14:27:16 4 A. Yes.

14:27:17 5 Q. I mean, sitting here today, do you know the  
14:27:19 6 main address of Nortel off the top of your head?

14:27:22 7 A. Yes.

14:27:22 8 Q. What is that?

14:27:23 9 A. 3000 Telecom Parkway -- I mean, not Nortel. I  
14:27:29 10 was thinking NationsBank. Sorry. It's 27 -- what is  
14:27:34 11 it?

14:27:36 12 MR. HARTLEY: Apparently the answer is  
14:27:37 13 no.

14:27:37 14 A. There's several different buildings. Nortel  
14:27:41 15 has about 10 or 12 buildings and there's -- 2100  
14:27:46 16 Lakeside is their main building.

14:27:55 17 Q. And if you get an inquiry from a WALRSS report  
14:27:59 18 sent to you from NSS that says, look, we have a client,  
14:28:04 19 we -- and let's say it's from SWBT special access or  
14:28:08 20 SWBT retail, and they have a customer that wants to  
14:28:11 21 drop -- do a point-to-point and drop a DS3 at -- I'll  
14:28:16 22 continue to use Nortel as an example. They want to know  
14:28:21 23 if Nortel has a DS3 capacity available at a given  
14:28:24 24 customer premise, is that information you can find and  
14:28:28 25 provide back to them?